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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09 847,883	05/03/2001	David Allen Roberts	05918P2 USA	5807

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AIR PRODUCTS AND CHEMICALS, INC.  
PATENT DEPARTMENT  
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EXAMINER

BOYD, JENNIFER A

ART UNIT	PAPER NUMBER
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1771

DATE MAILED: 02/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/847.883

Applicant(s)

ROBERTS ET AL.

Examiner

Jennifer A Boyd

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 03 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 1
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1 – 22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. The term "effective" in claims 1 and 20 is indefinite. It is unclear what qualifies as an effective amount of surface active agent. Also, it is unclear what the amount of surface active agent is effective enough to do.

### *Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1 and 17 - 19 rejected under 35 U.S.C. 102(b) as being anticipated by Angelini (US 3,979,317).

Angelini discloses a cleaning composition that includes 3,5-dimethyl-1-hexyn-3-ol (Surfynol R 61) and ultrapure water. Since the composition is 100% volatile and contaminant and particulate free, it leaves no residue (Abstract). Surfynol R 61 is an acetylenic alcohol. The

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solution is normally used in a pre-impregnated pad (column 3, lines 60 – 61). The water used in the composition can be distilled, ultrafiltered, and/or distilled (column 4, lines 16 – 19).

6. Claims 1, 10, 13, 15, and 17 – 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Angelini (US 4,054,534).

Angelini discloses a cleaning composition that includes 3,5-dimethyl-1-hexyn-3-ol (Surfynol <sup>®</sup> 61) and ultrapure water. Since the composition is 100% volatile and contaminant and particulate free, it leaves no residue (Abstract). Surfynol <sup>®</sup> 61 is an acetylenic alcohol. The solution is normally used in a rayon cleaning batting or pre-impregnated pad (column 3, lines 32 – 36). The rayon batting is a fibrous, non-woven material. The water used in the composition can be distilled, ultra-filtered, and/or distilled (column 3, lines 61 – 64).

***Claim Rejections - 35 USC § 102/103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 6 – 7 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Angelini (US 3,979,317) or Angelini (US 4,054,534).

Although Angelini (US 3,979,317) or Angelini (US 4,054,534) does not explicitly teach

the claimed vapor pressure of at least  $10^{-4}$  torr at  $25^{\circ}\text{C}$  as required by claim 6 and vapor pressure of at least  $10^{-3}$  torr at  $25^{\circ}\text{C}$  as required by claim 7, it is reasonable to presume that vapor pressure of at least  $10^{-4}$  torr at  $25^{\circ}\text{C}$  as required by claim 6 and vapor pressure of at least  $10^{-3}$  torr at  $25^{\circ}\text{C}$  as required by claim 7 is inherent to Angelini (US 3,979,317) or Angelini (US 4,054,534). Support for said presumption is found in the use of like materials (i.e. Angelini discloses a cleaning composition that includes 3,5-dimethyl-1-hexyn-3-ol and ultrapure water), which would result in the claimed property. The burden is upon the Applicant to prove otherwise. *In re Fitzgerald* 205 USPQ 594. In addition, the presently claimed property of vapor pressure of at least  $10^{-4}$  torr at  $25^{\circ}\text{C}$  as required by claim 6 and vapor pressure of at least  $10^{-3}$  torr at  $25^{\circ}\text{C}$  as required by claim 7, it is reasonable to presume that vapor pressure of at least  $10^{-4}$  torr at  $25^{\circ}\text{C}$  as required by claim 6 and vapor pressure of at least  $10^{-3}$  torr at  $25^{\circ}\text{C}$  as required by claim 7 would obviously have been present once either of the Angelini products are provided. Note *In re Best*, 195 USPQ at 433, footnote 4 (CCPA 1977) as to providing of this rejection made above under 35 USC 102. In the present invention, one would have been motivated to assume the vapor pressure is within the required range because the chemical composition of the Angelini products and the Applicants are the same.

### ***Claim Rejections - 35 USC § 103***

9. Claims 1 – 2, 10, 13 and 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Medina (US 5,650,543) in view of Julemont (US 4,931,201).

Medina teaches an aqueous solution that comprises ethoxylated acetylenic diols used as

surfactants (Abstract). Ethoxylated acetylenic diols are specific types of alkoxyated acetylenic diols which are both types of acetylenic diols.

Medina fails to teach using the solution in a wipe substrate.

Julemont is drawn to pads impregnated with cleaning solutions. Julemont teaches a non-woven cloth that comprises a mixture of polypropylene and wood pulp fibers (cellulose) that is impregnated with a cleaner (Abstract).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to impregnate the fabric taught by Julemont with the Medina solution to create a wipe with increased cleaning capabilities.

10. Claims 1, 3 - 11, 12, 13, 15 and 17 - 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pedersen et al. (US 6,017,872) in view of Julemont (US 4,931,201).

Pedersen et al. teaches a cleaning solution that comprises a nonionic surfactant and water (column 10, lines 20 - 28). The nonionic surfactant can be 2,4,7,9-tetramethyl-5-decyne-4,7-diol (Surfynol <sup>®</sup> 104) or 3,6-dimethyl-4-octyne-3,6-diol (Surfynol <sup>®</sup> 82) (column 6, lines 8 - 12). The nonionic surfactant is added in amounts that range from about 0.1% to about 10% - wt. (column 4, lines 13 - 15). The water used is listed as soft water in Table 1. Although this does not necessarily mean high purity, distilled or deionized water, it would have been obvious to one of ordinary skill to use high purity, distilled or deionized water because that would lower impurities and residue left behind by the cleaning solution.

Pedersen et al. does not teach impregnating a pad or wipe material with the cleaning solution.

Julemont is drawn to pads impregnated with cleaning solutions. Julemont teaches a non-woven cloth that comprises a mixture of polypropylene and wood pulp fibers (cellulose) that is impregnated with a cleaner (Abstract).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to impregnate the fabric taught by Julemont with the Pedersen et al. cleaning solution to create a wipe with increased cleaning capabilities.

As to claims 6 and 7, although Pedersen et al. (US 6,017,872) in view of Julemont (US 4,931,201) does not explicitly teach the claimed vapor pressure of at least  $10^{-4}$  torr at 25°C as required by claim 6 and vapor pressure of at least  $10^{-3}$  torr at 25°C as required by claim 7, it is reasonable to presume that vapor pressure of at least  $10^{-4}$  torr at 25°C as required by claim 6 and vapor pressure of at least  $10^{-3}$  torr at 25°C as required by claim 7 is inherent to Angelini (US 3,979,317) or Angelini (US 4,054,534). Support for said presumption is found in the use of like materials (i.e. Angelini discloses a cleaning composition that includes 3,5-dimethyl-1-hexyn-3-ol and ultrapure water), which would result in the claimed property. The burden is upon the Applicant to prove otherwise. *In re Fitzgerald* 205 USPQ 594. In addition, the presently claimed property of vapor pressure of at least  $10^{-4}$  torr at 25°C as required by claim 6 and vapor pressure of at least  $10^{-3}$  torr at 25°C as required by claim 7, it is reasonable to presume that vapor pressure of at least  $10^{-4}$  torr at 25°C as required by claim 6 and vapor pressure of at least  $10^{-3}$  torr at 25°C as required by claim 7 would obviously have been present Pedersen in view of Julemont product is provided. Note *In re Best*, 195 USPQ at 433, footnote 4 (CCPA 1977) as to providing of this rejection made above under 35 USC 102. In the present invention, one would have been

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motivated to assume the vapor pressure is within the required range because the chemical composition of the Pedersen in view of Julemont product and the Applicants are the same.

11. Claims 10, 13 and 15 rejected under 35 U.S.C. 103(a) as being unpatentable over Angelini (US 3,979,317) in view of Julemont (US 4,931,201).

The features of Angelini (US 3,979,317) have been set forth above. Angelina also Discloses a non-abrasive and non-residue leaving pad can be impregnated with the cleaning composition (column 3, lines 60 – 62).

Angelina fails to specify the construction or material used in the pad.

Julemont is drawn to pads impregnated with cleaning solutions. Julemont teaches a non-woven cloth that comprises a mixture of polypropylene and wood pulp fibers (cellulose) that is impregnated with a cleaner (Abstract). It would have been obvious to one having ordinary skill in the art at the time the invention was made to impregnate the fabric taught by Julemont with the Angelina cleaning solution because Julemont teaches the fabric can be impregnated with a cleaning solution and Angelina states that the most efficient process is when the cleaning solution is provided in an impregnated pad (column 4, lines 47 – 50).

12. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over unpatentable over Angelini (US 3,979,317).

The features of Angelini have been set forth above. Angelini fails to teach that the wipe or pad is a woven, fibrous substrate. It would have been obvious to one having ordinary skill in the art at the time the invention was made to produce a non-abrasive and non-residue leaving pad



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as a woven substrate. A woven substrate is a known alternative to non-woven. The woven substrate would have increased structural integrity and thus durability during cleaning (i.e., scrubbing and wiping).

13. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Angelini (US 3,979,317), Angelini (US 4,054,534), Medina or Pedersen et al. in view of Kramer et al. (US 4,847,089).

The features of Angelini (US 3,979,317), Angelini (US 4,054,534), Medina and Pedersen have been set forth above.

Both Angelina references, Medina and Pedersen et al. fail to teach impregnating a sponge with the cleaning solution.

Kramer et al. is drawn to cleansing compositions impregnated in a sponge. Kramer teaches using an impregnated sponge to dispense cleansing fluid (Abstract).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to impregnate a sponge with the cleaning solution taught by both Angelina references, Medina and Pedersen et al. because the solutions are most efficiently spread when impregnated on a wipe or pad and the sponge would absorb the solution and evenly spread the solution without leaving a residue.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer A Boyd whose telephone number is 703-305-7082. The examiner can normally be reached on Monday thru Friday (8:30am - 6:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 703-308-2414. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

*Jennifer Boyd*  
Jennifer Boyd  
February 20, 2003

*Wia Rutdock*